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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,378	01/13/2006	Antoine Moulin	Q86683	3827
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2100 PENNSY	LVANIA AVENUE, N	WYSZOMIERSKI, GEORGE P		
SUITE 800 WASHINGTON, DC 20037			ART UNIT	PAPER NUMBER
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			10/08/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com PPROCESSING@SUGHRUE.COM USPTO@SUGHRUE.COM

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAY. WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no worth towards may are just to time may be available under the provisions of 37 CFR 1.136(a). In no worth towards may be time midled and the provision of 11 (a) period for reput is specified above. The maximum statutory period will apply and will expire SIX (ii) MONTHS from the maining date of this communication. Failute to reput will be subscribed period for reput is specified above. The maximum statutory period will apply and will expire SIX (iii) MONTHS from the maining date of this communication. Set of this communication, oven if timely filled, may reduce any search grade them adjustment. Set S7 CFR 1.704(ii): Status 1) A Responsive to communication(s) filled on 7/9/2010 (RCE_Amendment). 2a) This action is FINAL. 2b) This action is FINAL. 2b) This action is final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 12-21 is/are pending in the application. 4a) Of the above claim(s) 12-16 and 21 is/are withdrawn from consideration. 5) Claim(s) 17-20 is/are allowed. 6) Claim(s) 17-20 is/are allowed. 6) Claim(s) 17-20 is/are allowed. 7) Claim(s) is/are allowed. 8) The specification is objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. Application Papers 9) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Application Papers 9) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a) (d) or (f). a) All b) Assort or extension is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for				
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2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application	1) Notic 2) Notic	ee of References Cited (PTO-892) se of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da	ate

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1. A request for continued examination (RCE) under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 9, 2010 has been entered. Claims 12-21 are pending, with claims 12-16 and 21 withdrawn from consideration as directed to a non-elected invention.

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higo et al. (PG Pub.No. 2001/0001049), in view of Claessens et al. (PG Pub.No. 2001/0007280) and Fujita et al. (PG Pub.No. 2004/0202889), for reasons as stated in the Office Action of June 12, 2009, taken with the following.

Briefly, Higo discloses a process as presently claimed, performed upon a composition overlapping that as recited in instant claim 17. In this respect, the examiner notes that the molybdenum content of the steels used in the Higo process overlaps the molybdenum range in claim 17 as amended. While Higo does not specify the heating and cooling rates presently claimed, Claessens and Fujita indicate that the rates as claimed are conventional in the art of producing galvanized steel sheets in processes analogous to that of Higo. With

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regard to the limitations in claim 17 as amended that the steel is dual-phase and is used for producing automotive components, the examiner's position is that:

- a) Given that the Higo process is directed to processing substantially the same material in substantially the same way as the present claims, one of skill in the art would expect the same phase structure to result in either instance. Further, one of skill in the art would believe that products made in these similar manners would be useful in similar applications, e.g. automotive components.
- b) Paragraphs [0003]-[0004] of Claessens indicate that the process of that reference produces dual phase steels for use in the automobile field.

Thus, the disclosure of Higo et al., combined with that of Claessens et al. and Fujita et al.., would have taught the method as presently claimed to one of ordinary skill in the art.

- 4. In remarks filed with the present RCE, Applicant suggests that a dual phase structure is such a remarkable property that Higo would undoubtedly mention that fact if it were present in the prior art. Applicant further speculates that, based on information in a Wikipedia article, the properties of the Higo material would not be those of a dual-phase steel. Applicant's arguments have been carefully considered, but are not persuasive of patentability because:
- i) Applicant's comments are based largely on speculation and by way of argument alone, i.e. are not accompanied by evidence of probative value that would

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indicate any difference in the phase structure produced in the prior art versus that of the claimed process, and

ii) A Wikipedia article cannot reasonably be considered equivalent to, for example, a declaration under 37 CFR 1.132. It is not attested to, its authorship is generally not known, and the information therein can easily be changed at any time by another party.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Wyszomierski whose telephone number is (571) 272-1252. The examiner can normally be reached on Monday thru Friday from 8:00 a.m. to 4:30 p.m. Eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King, can be reached on (571) 272-1244. All patent application related correspondence transmitted by facsimile must be directed to the <u>central facsimile number</u>, (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/George Wyszomierski/ Primary Examiner Art Unit 1793

GPW September 30, 2010